

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TROY WHITE,
Petitioner,
v.

CALVIN JOHNSON, *et al.*,
Respondents.

Case No. 2:21-cv-01800-GMN-VCF

ORDER

In this habeas corpus action, on November 2, 2021, the Court appointed counsel for the petitioner, Troy White. See Order entered November 2, 2021 (ECF No. 5). White's appointed counsel—the Federal Public Defender for the District of Nevada—appeared on December 2, 2021 (ECF No. 9). Counsel for Respondents appeared on November 16, 2021 (ECF No. 9). The Court now issues this scheduling order.

IT IS THEREFORE ORDERED that the following schedule will govern further proceedings in this case:

Amended Petition. Petitioner will have 90 days from the date of this order to file an amended petition for writ of habeas corpus. The amended petition must specifically state whether each ground for relief has been exhausted in state court; for each claim that has been exhausted in state court, the amended petition must state how, when, and where that occurred.

Response to Petition. Respondents will have 60 days following filing of the amended petition to file an answer or other response to the amended petition.

Reply. Petitioner will have 45 days following filing of an answer to file a reply. Respondents will thereafter have 30 days following filing of a reply to file a response to the reply.

1 Briefing of Motion to Dismiss. If Respondents file a motion to dismiss, Petitioner
2 will have 60 days following filing of the motion to file a response to the motion.

3 Respondents will thereafter have 30 days following filing of the response to file a reply.

4 Discovery. If Petitioner wishes to move for leave to conduct discovery, Petitioner
5 must file such motion concurrently with, but separate from, the response to
6 Respondents' motion to dismiss or the reply to Respondents' answer. Any motion for
7 leave to conduct discovery filed by Petitioner before that time may be considered
8 premature, and may be denied, without prejudice, on that basis. Respondents must file
9 a response to any such motion concurrently with, but separate from, their reply in
10 support of their motion to dismiss or their response to Petitioner's reply. Thereafter,
11 Petitioner will have 20 days to file a reply in support of the motion for leave to conduct
12 discovery.

13 Evidentiary Hearing. If Petitioner wishes to request an evidentiary hearing,
14 Petitioner must file a motion for an evidentiary hearing concurrently with, but separate
15 from, the response to Respondents' motion to dismiss or the reply to Respondents'
16 answer. Any motion for an evidentiary hearing filed by Petitioner before that time may
17 be considered premature, and may be denied, without prejudice, on that basis. The
18 motion for an evidentiary hearing must specifically address why an evidentiary hearing
19 is required and must meet the requirements of 28 U.S.C. § 2254(e). The motion must
20 state whether an evidentiary hearing was held in state court, and, if so, state where the
21 transcript is located in the record. If Petitioner files a motion for an evidentiary hearing,
22 Respondents must file a response to that motion concurrently with, but separate from,

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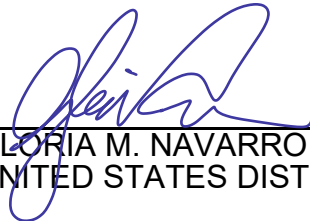
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1 their reply in support of their motion to dismiss or their response to Petitioner's reply.
2 Thereafter, Petitioner will have 20 days to file a reply in support of the motion for an
3 evidentiary hearing.

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5 DATED THIS 2 day of December, 2021.

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9 GLORIA M. NAVARRO
10 UNITED STATES DISTRICT JUDGE
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